IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 13503 of 2004

Between:

R. Jayalingam, S/o. Late Bhadrappa
5-7-75, Vinayak Chowk, Tandur, R.R.District.

..... PETITIONER

AND

1.The Superintendent of Police, R.R.District.
2.The Station House Officer, Tandur P.S., Tandur.
3.H. Chandranna S/o. Veer Bhadrappa, Pasari Shantha Kumar

House, Pasaram Galli, Tandur, R.R.District.
4.H. Sudesh Kumar S/o. chandranna, Pasari Shantha Kumar

House, Pasaram Galli, Tandur, R.R.District.
5.H. Veeresh S/o. Chandranna, Pasari Shantha Kumar House,

Pasaram Galli, Tandur, R.R.District.
6.H. Nagesh S/o. Chandranna, Pasari Shantha Kumar House,

Pasaram Galli, Tandur, R.R.District.
7.H. Ravi Kumar, S/o. Chandranna, Pasari Shantha Kumar

House, Pasaram Galli, Tandur, R.R.District.
8.H. Jagdeesh S/o. chandranna, Pasari Shantha Kumar House,

Pasaram Galli, Tandur, R.R.District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the Respondents 1 and 2 herein to take action against the Respondents 3 to 8 herein on the basis of the Crime No.5 of 2004 dt. 4.1.2004 and further direct the respondents 1 and 2 to prevent the Respondents 3 to 8 and their henchmen from interfering with the possession and enjoyment of his premises bearing No.5-7-70 New (5-7-74, 75, 75/1 Old) situated at Vinayak Chowk, Tandur.

Counsel for the Petitioner: SMT.S.V.INDIRA

Counsel for the Respondents 1 & 2: GP FOR HOME

The Court at the admission stage made the following:

ORDER:

The petitioner seeks a Writ of Mandamus directing the respondents 1 and 2 to take necessary action in Cr.No.5 of 2004 dated 04.01.2004 registered against the respondents 3 to 8 herein.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioner is the absolute owner and possessor of the house bearing D.No.5-7-70 situated in Vinayak Chowk, Tandur of Ranga Reddy District and that since the respondents 3 to 8 along with the sisters of the petitioner and their henchmen trespassed into his house on 04.01.2004 and broke open the lock of the house and when he objected, beat the petitioner and threatened him with dire consequences, he made a complaint before the 2nd respondent requesting to take appropriate action against the respondents 3 to 8. On the basis of the complaint, Cr.No.5 of 2004 was registered against the respondents 3 to 8 for the offences under Section 452, 188 and 506 of I.P.C. The grievance of the petitioner is that having registered the crime, the respondents 1 and 2 failed to take any action against the respondents 3 to 8 and in the meanwhile, he apprehends danger to his life in the hands of the respondents 3 to 8. Hence, the Writ Petition.

On behalf of the respondents 1 and 2, the Sub Inspector of Police, Tandur PS, Rangareddi District, filed counter-affidavit on 16.08.2004 stating that the police have nothing to do with the civil disputes between the petitioner and the respondents 3 to 8. However, it is stated that on the basis of the complaint of the petitioner, Crime No.5 of 2004 under Sections 452, 188 and 506 of I.P.C. has been registered on the file of S.H.O., Tandur PS., on 04.01.2004 itself, against the respondents 3 to 8 and

that the investigation has been taken up by the Sub Inspector of Police, Sri B Venkatareddy. It is also stated that during the course of investigation, so far three witnesses have been examined including the complainant and the witnesses cited by him and as on today, the matter is pending for further investigation.

Having regard to the averments of the respondents 1 and 2 in their counter affidavit stating that the investigation is still pending, no adjudication on merits is necessary and it would be appropriate to dispose of the Writ Petition, with a direction to the respondents 1 and 2 to complete the investigation in Cr.No.5 of 2004 as expeditiously as possible and to take further steps in accordance with Law.

With the above observation, the Writ Petition is disposed of. No costs.

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(**G.ROHINI,J**)

23rd AUGUST 2004

BSS/ISN

ASSISTASNT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Superintendent of Police, R.R.District.
2.The Station House Officer, Tandur P.S., Tandur.
3.2CCs to G.P. for Home, High Court Buildings,

Hyderabad (OUT)

4.2CD copies.